

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hua XU et al.


Title: COMBINATION CANCER
THERAPY WITH A GST-
ACTIVATED ANTICANCER
COMPOUND AND ANOTHER
ANTICANCER THERAPY

Appl. No.: 10/714,593

Filing Date: 11/14/2003

Examiner: Fetterolf, Brandon J.

Art Unit: 1642

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 643 730 856 US (Express Mail Label Number)	October 7, 2005 (Date of Deposit)
Rene Campos (Printed Name)	
 (Signature)	

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56.

A copy of each non-US patent document and each non-patent document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The USPTO has waived the requirement under 37 CFR 1.98(a)(2)(iii) to submit copies of cited pending applications which are stored in the USPTO's Image File Wrapper (IFW) system. Applications filed on or after June 30, 2003, and international applications that have entered the national stage on or after June 30, 2003, have been or are being scanned into the IFW system. Accordingly, copies of these types of documents are not being supplied in connection with this

application. Reference is being made to OG Notice dated October 19, 2004, *Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications*.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Documents 1-3 (Morgan et. al., Rosario et. al., and the 7 October 2002 Telik press release) were made public prior to the filing date of the provisional application (15 November 2002). The remaining documents in the IDS all became public after the provisional filing date.

Documents 4C and 6B are posters. These posters were displayed but not given out. Therefore, no admission is made that these posters constitute “printed publications”.

Applicants respectfully request that each listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Respectfully submitted,

Date 7 October 2005

By Hugo M. Eng

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: _____ (use as many sheets as necessary)			Complete if Known <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Application Number</td> <td>10/714,593</td> </tr> <tr> <td>Filing Date</td> <td>11/14/2003</td> </tr> <tr> <td>First Named Inventor</td> <td>Hua Xu</td> </tr> <tr> <td>Group Art Unit</td> <td>1642</td> </tr> <tr> <td>Examiner Name</td> <td>Fetterolf, Brandon J.</td> </tr> <tr> <td>Attorney Docket Number</td> <td>056274-3451</td> </tr> </table>		Application Number	10/714,593	Filing Date	11/14/2003	First Named Inventor	Hua Xu	Group Art Unit	1642	Examiner Name	Fetterolf, Brandon J.	Attorney Docket Number	056274-3451
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Sheet	1	of														

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	1	AMY S. MORGAN, et al., "Tumor Efficacy and Bone Marrow-sparing Properties of TER286, a Cytotoxin Activated by Glutathione S-Transferase", Cancer Research <u>58</u> : 2568-2575, June 15, 1998.	
	2	LILLIAM A. ROSARIO, et al., "Cellular Response to a Glutathione S-Transferase P1-1 Activated Prodrug", The American Society for Pharmacology and Experimental Therapies, Mol. Pharm. <u>58</u> :167-174, 2000.	
	3	Telik press release, "Telik Announces Initiation of TLK286 Combination Chemotherapy Development Program", 2 pgs., October 7, 2002.	
	4A	Abstract #102 from Eur. J. Cancer, v. 38, supp. 7, which was made available at the 14 th EORTC-NCI-AACR Symposium, 3 pgs., November 19, 2002 (first day of symposium).	
	4B	Telik press release, "Telik Presents Preclinical Data Demonstrating Synergy of TLK286 in Combination with Multiple Approved Cancer Chemotherapy Drugs", 2 pgs., November 20, 2002.	
	4C	Poster (Keck, et al.) shown at the 14 th EORTC-NCI-AACR Symposium 1 pg., November 20, 2002.	
	5	Telik press release, "Telik Announces Initiation of Two Additional Clinical Trials of TLK286 in Combination Chemotherapy Regimes", 2 pgs., December 9, 2002.	
	6A	Abstract #1722 from Pro. Am. Assn. Cancer Res., V. 44, which was made available at the AACR Annual Meeting, 4 pgs., April 5, 2003, (first day of the meeting).	

Examiner Signature	Date Considered	
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¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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	6B	Poster (Xu, et al.) from Pro. Am. Assn. Cancer Res., which was shown at the AACR Annual Meeting, 1 pg., April 6, 2003.	
	6C	Telik press release, "Telik Announces New Preclinical Data on TLK286 That Supports Unique Mechanism of Activation, and Activity in Combinations With Standard Cancer Drugs", 2 pgs., April 9, 2003.	
	7A	Telik press release, "Telik Announces Positive Interim Results from Phase 1-2a Trial of Telicyta™ (TLK286) in Combination with Doxil®", 2 pgs., October 21, 2003.	
	7B	Telik press release, "Telik Announces Positive Interim Results from Phase 1-2a Trial of Telicyta™ (TLK286) in Combination with Docetaxel" 2 pgs., October 21, 2003.	
	7C	Telik press release, "Telik Announces Positive Interim Results from Phase 1-2a Trial of Telicyta™ (TLK286) in Combination with Carboplatin" 2 pgs., October 21, 2003.	
	7D	Telik press release, "Telik Announces Presentations at AACR-NCI-EORTC Conference", 2 pgs., November 13, 2003.	

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